

# EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

## PROJECT TITLE:

An Ordinance Relating to  
Municipal Court Judge  
Positions, amending Ordinance  
No. 1259-86 as amended by  
Ordinance No. 2228-97 (Chap.  
2.108.080 EMC)

11/9/16	Briefing
	Proposed Action
	Consent
x	Action
11/16/16	First Reading
11/23/16	Second Reading
11/30/16	Third Reading
	Public Hearing
	Budget Advisory

COUNCIL BILL #

**CB16147**

Originating Department

Legal

Contact Person

Jim Iles

Phone Number

425-257-7000

FOR AGENDA OF

Nov. 9, 2016;  
Nov. 16, 2016;  
Nov. 23, 2016;  
Nov. 30, 2016

Initialed by:

Department Head

CAA

Council President

*[Signature]*

## Location

## Preceding Action

## Attachments Ordinance

## Department(s) Approval Administration, Municipal Court, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

## DETAILED SUMMARY STATEMENT:

With Judge Odell's retirement, the Municipal Court has a vacancy which cannot be filled until the next municipal election. The Everett Municipal Code authorizes the Mayor (along with the concurrence of at least 4 Councilmembers) to make an appointment to fill the vacancy until the next municipal election. Currently an appointed interim judge, like the full time Municipal Court judges, is required to be an Everett resident. However, State law permits the City to authorize a municipal court judge to be a resident of the county in which the city is located. Everett's residency requirement is more restrictive than State law. The proposed amendment would, consistent with State law, expand the residency requirement for an interim Municipal Court Judge appointment to include qualified Snohomish County residents. Even with this amendment, an interim appointment could not occur without the recommendation of the Mayor and the concurrence of at least 4 Councilmembers.

## RECOMMENDATION (Exact action requested of Council):

Adopt An Ordinance Relating to Municipal Court Judge Positions, amending Ordinance No. 1259-86 as amended by Ordinance No. 2228-97 (Chap. 2.108.080 EMC).



ORDINANCE NO. \_\_\_\_\_

An Ordinance Relating to Municipal Court Judge Positions,  
amending Ordinance No. 1259-86 as amended by Ordinance No.  
2228-97 (Chapter 2.108 EMC).

**WHEREAS**, Chapter 2.108 EMC concerns the Everett Municipal Court; and

**WHEREAS**, the City wishes to provide a mechanism for the appointment of interim judges;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** EMC 2.108.080 (Ord. 2228-97 § 5, 1997; Ord. 1259-86 § 8, 1986) entitled  
“Judicial Vacancy,” which reads as follows:

Any vacancy in the municipal court due to a death, disability, or resignation of a municipal court judge shall be filled by an appointment made by the mayor until the next municipal election. The appointment shall be subject to confirmation by the city council. City council confirmation shall be by a majority of the whole membership. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided herein. .

is hereby amended to be entitled “Interim Appointments” and to read as follows:

Any vacancy in the municipal court due to a death, disability, or resignation of a municipal court judge shall be filled by an interim appointment or appointments made by the mayor, so that the vacant position is filled until the next municipal election. The Each interim appointment shall be subject to confirmation by the city council. City council confirmation shall be by a majority of the whole membership. The-An appointed interim judge shall be qualified to hold the position of judge of the municipal court as provided herein, except that the judge must be a Snohomish County resident but need not be an Everett resident.

**Section 2.** The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 3.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

\_\_\_\_\_  
Ray Stephanson, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_